

Before the  
Federal Communications Commission  
Washington, DC 20554

JUL 1 2002

In the Matter of

Request for Review of the  
Decision of the

Universal Service Administrator by

Yeshivat Ohel Torah  
Brooklyn, New York

Federal-State Joint Board on  
Universal Service

Changes to the Board of Directors of the  
National Exchange Carrier Association, Inc.

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File No. SLD-265646

CC Docket No. 96-45

CC Docket No. 97-21 ✓

**ORDER**

**Adopted: October 4, 2002**

**Released: October 7, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Yeshivat Ohel Torah (Yeshivat), Brooklyn, New York.<sup>1</sup> Yeshivat seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to reject Yeshivat's appeal on the grounds that it was untimely filed.<sup>2</sup> For the reasons set forth below, we affirm SLD's rejection and deny Yeshivat's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on April 19, 2002, denying Yeshivat's request for discounted services under the schools and libraries universal service support mechanism.<sup>3</sup> Specifically, SLD denied Yeshivat's request for discounts for telecommunications services and internal connections, Funding Request Numbers (FRNs) 671292, 671295, 671296, 671298, 691952, 691954, and 691956.<sup>4</sup> On June 19, 2002, Yeshivat filed an appeal of SLD's decision stating that Yeshivat responded in a timely manner to SLD's

<sup>1</sup> Letter from Chana Bandman and Rabbi Cohen, Yeshivat Ohel Torah, to Federal Communications Commission, filed August 1, 2002 (Request for Review).

<sup>2</sup> Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission, 47 C.F.R. § 54.719(c).

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Chana Bandman, Yeshivat Ohel Torah, dated April 19, 2002 (Funding Commitment Decision Letter).

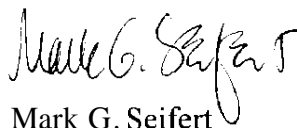
<sup>4</sup> *Id.*

information request.' On June 26, 2002, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Yeshivat's appeal because it was received more than 60 days after the April 19, 2002 Funding Commitment Decision Letter was issued.<sup>6</sup> Yeshivat subsequently filed the instant Request for Review with the Commission,

3. For requests seeking review of decisions issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision that the party seeks to have reviewed.' Documents are considered to be filed with the Commission or SLD only upon receipt.' Because the Yeshivat's Request for Administrator Review was not filed within the requisite 60-day period, we affirm the Administrator's Decision on Appeal and deny the instant Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Yeshivat Ohel Torah, Brooklyn, New York, on August 1, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>5</sup> Letter from Rabbi Cohen, Yeshivat Catholic School, to Schools and Libraries Division, Universal Service Administrative Company, filed June 19, 2002 (Request for Administrator Review).

<sup>6</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Chana Bandman, Yeshivat Ohel Torah, dated June 26, 2002 (Administrator's Decision on Appeal).

<sup>7</sup> 47 C.F.R. § 54.720(b). See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. December 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Conn. Car. Bur. rel. December 28, 2001 and January 4, 2002).

<sup>8</sup> 47 C.F.R. § 1.7,